

Accessory Dwelling Units (ADUs)

ARTICLE 39

Annual Town Meeting, 2022

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Accessory Dwelling Units: What is an ADU?



ADU Over Garage



Basement ADU



Attached ADU



Detached ADU

- An ADU is an apartment within or on the same property as an owner-occupied, single-unit residential dwelling, that is subordinate to the main (or principal) dwelling unit
- Self-contained, providing its own sleeping, cooking, and sanitary facilities
- Provides separate entrance
- Complies with all provisions of Zoning, Building & Health Codes.

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ADUs: How this Bylaw developed

- ADUs called for in Unified Plan (2018-2028)
- ADUs called for in Housing Production Plan (2018) as a missing tool in Wellesley's Housing Toolbox
- 2021 State legislation prioritizes ADUs to help development and housing goals (Housing Choice)
- Benchmarking of towns in Greater Boston area
- Over two years of collaborative work with residents
 - ADU Working Group
 - 4 public hearings (targeted for Fall 2021 STM)
- Results:
 - Bylaw tailored for Wellesley
 - Meets a growing need of residents
 - Advances Town and State housing goals
 - Consistent with Zoning Bylaws (ZBL)

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Benchmarking & Housing Choice Legislation

- Benchmarking*:
 - 40 of 100 municipalities surrounding Boston allow rental ADUs
 - Arlington and Salem adopted ADUs in 2021
 - Neighbors: Newton, Needham (2019), Weston, Dover
 - Bylaws are evolving over time
- Housing Choice
 - State law addresses critical need for area housing
 - Passed in January of 2021
 - Adoption of ADU bylaw requires only simple majority if:
 - Meets size guidelines: Lessor of 900 sq. ft. or 50% of dwelling
 - Attached ADU must be allowed by right
 - Detached ADU may be allowed by special permit or by right

* Source: The State of Zoning for Accessory Dwelling Units, Amy Dain (2019)

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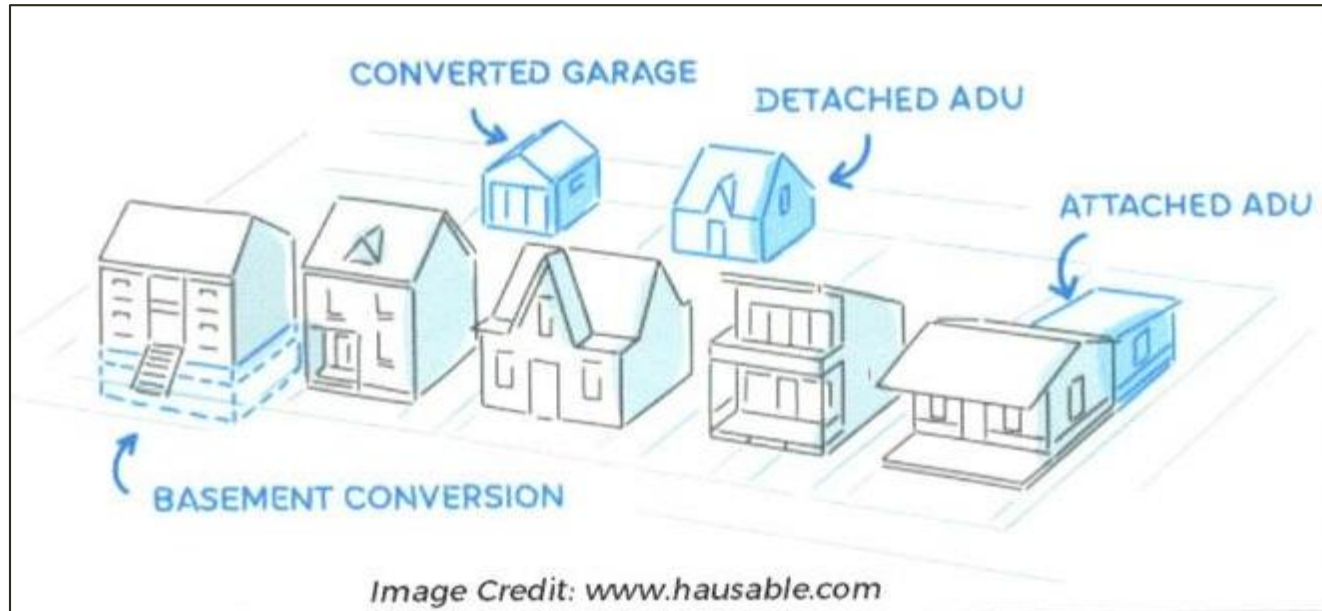
ADUs: What are the Benefits for Wellesley?

PURPOSE:

- To facilitate housing production, diversity, and affordability in Town's neighborhoods
- To allow older adults, households with disabled persons to remain in Town
- To better accommodate young families and multi-generational living arrangements
- To support climate action goals by using energy, water, and materials more efficiently by increasing the housing supply through concentrated, small-scale development
- To preserve historic homes, carriage houses, and barns

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ADUs: Where are they located on a property?



- ADUs may be converted interior space (basements, attics, part of main living floors OR converted garages OR detached buildings OR attached to main unit
- Must comply with ZBL (dimensional, area, yard requirements)

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ADUs: What will these be like in Wellesley?

Code Compliance	All: Zoning, Building, Health
Attached ADUs	By Right
Detached ADUs	Special Permit
Owner Occupancy	Yes (at least 184 days/year)
Appearance	Match in style to main dwelling
Entrances	Not present to street
ADUs per Lot	One (only with single-unit dwelling)
ADU Unit Size	Max: 900 sq. ft.
Occupancy Limit	Per current Zoning
Parking	No additional space required
Minimum Rental Period	30 days
Certification	Annually - Planning Department

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ADUs in Wellesley: Only 3-5 ADUs/year

- Needham Study (2017)*
 - Carlisle: 18 since 1989 (< 1/year)
 - Lexington: 200 since 1983 (5/year)
 - Newton: 73 over 20 years (3.65/year)
 - Scituate: 88 since 1989 (2.7/year)
 - Westwood: 45 since 1992 (1.5/year)
- Pioneer Institute Report (2018)**
 - Concord: 5, 2, 5 (2016, 2015, 2014)
 - Dedham: 2-5/year
 - Lincoln: 0, 2, 1 (2016, 2015, 2014)
 - Newton: 9, 5, 7 (2017, 2016, 2015)
- Needham (new bylaw 2020): less than 10 (<5/year)
- Arlington (similar bylaw passed in 2021): No applications

**Accessory Dwelling Units: A Report for Needham Public Health Division*, 10-11-17

***The State of Zoning for Accessory Dwelling Units*, Amy Dain, Pioneer Institute, July 2018

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Detached ADUs

- No change to what building can be constructed today
- “ADU” special permit required for all
- Pre-existing structures
 - Barns, pool houses, garages, etc.
 - Additional requirements: Building permits
- New structures
 - Must conform to current lot coverage, set-backs
 - Roughly 70% of lots in town are non-conforming
 - ZBA approval required for construction (in addition)
 - Historically difficult to obtain variance
 - Large house review
 - Comprehensive process to determine suitability
 - Requests for ADUs – Today, structure is allowed but not apartment
- Expect no more than 3-5 ADUs (attached or detached) a year



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ADUs: 30 Day Minimum Rental Period

- Main purpose of ADUs is to provide new, stable housing
- Secondary purpose to provide supplemental income needed to offset high cost of housing
 - Seniors, young families
- Mitigates concern about nightly/weekend rentals (AirBnB)
- Eliminates “Short Term Rentals”
 - Can be further addressed by future Town bylaw
- Allows maximum flexibility for supplemental income
- Allows for tenant-at-will arrangements
 - Renovations
 - Looking for a new home
- Matches Newton/Arlington bylaws
 - Many others have no minimum
 - We have found no town has a longer minimum rental period

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ADUs: Benchmarking

Town	Detached?	Min. Rental Period	Occupancy Limit?
Wellesley (Proposed)	w/Special permit	30 days	Not more than 3 unrelated (town bylaw)
Newton	w/Special permit	30 days	Not more than 3
Arlington*	Yes	No "short term rentals"	NS
Dedham	w/Special permit	NS	Not more than 2
Dover	No	NS	NS
Lexington	Yes	NS	NS
Lincoln	w/Special permit	NS	NS
Needham	No	NA	Total: 5 not in family
Waltham	No	NS	Not more than 2
Wayland	w/ Special permit	NS	NS
Weston	In existing building	NS	NS

NS = Not specified

*Passed in 2021 – Meets State guidelines & approved by AG

NA = Needham bylaw only allows for family or caregiver – Under review by housing committee.

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ADUs: What will these be like in Wellesley?

CONSTRUCTION

- **No changes to what structures can be built in Wellesley**
- Renovations/construction projects follow existing process
 - Zoning Bylaws, State Building Code, Fire Code, Health regulations
- Must comply with setbacks and maximum lot coverage
- ADU remains subordinate in appearance to principal unit
 - Detached units must match architectural style, including siding, roof pitch, trim, windows, and doors
 - Exterior doors of ADU shall not present to public street or private way
 - Exterior stairs not visible from public street, compliment principal unit
 - Construction of ADU shall not increase height beyond height of principal unit
 - Detached units may be built only in rear or side yard or in existence at the effective date of this bylaws

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ADUs: What will these be like in Wellesley?

PERMITTING AND ENFORCEMENT

- Two types of special permit: Section 17 and Section 25
- Application for construction or use submitted to Planning Department
 - Department staff reviews for compliance with Bylaw
 - Attached, conforming ADU - Send to Building Department (by right)
 - Detached - Send to ZBA (special permit - Section 25)
 - Non-conforming - Send to ZBA (special permit - Section 17)
 - Construction triggers Large House Review - Send to Planning Board
 - ADU is filed with Registry of Deeds
 - ADU Property Owner to submit annual certification to Planning Department that property is in compliance
 - Notice of sale must be provided to Planning Department
- If violations, Inspector of Buildings can order removal of ADU, or impose other penalties
- Rules and Regulations will be complete by effective date: 9/1/2022

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ADUs: Conclusion

BENEFITS OF ADOPTION

- Achieves Unified Plan/Housing Production Plan goal
- Adds necessary tool to Town's housing toolbox to provide diverse living opportunities
- Advances climate action goals
- Supports Wellesley's families and the Town's workforce
 - Housing for seniors, adult children, disabled adults, caregivers
 - Housing for town employees and broader workforce
 - Housing for young professionals & families
- Little to no impact on single-family "feel" of the community

We ask for your support on Article 39

Thank you!

Backup

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Why Allow Detached, New Construction

- No change to what building can be constructed today
- “ADU” special permit required for all
- Provides alternative so homeowners can build what they need.
 - Not everyone wants an ADU attached to their house. Some owners and renters like the privacy of a detached unit.
- Must conform to current lot coverage, set-backs
- Roughly 70% of lots in town are non-conforming
 - ZBA approval required for construction (in addition)
 - Historically difficult to obtain variance
- Large house review
 - Comprehensive process to determine suitability
 - Requests for ADUs – Today, structure is allowed but not apartment
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ADUs: How does one differ from ... ?

	Accessory Dwelling Unit	In-law Suite (not in ZBL)	Two-Unit Dwelling
Characteristics	Kitchen, separate entrance	No kitchen, does not require separate entrance	Distinct dwelling units, separate entrances
Ownership	Always same as main dwelling	Always same as main dwelling	Each unit may be owned separately (condo)
Size	250 – 900 SF	Can vary. Must follow ZBL	Can vary. Must follow ZBL
Size Relative to Main Dwelling	Subordinate	Can vary; probably subordinate	Can vary; probably equal
Location	Any single-unit dwelling, all districts	Any single-unit dwelling, all districts	General Residence District
Architecture	Shall match main dwelling	Can match main dwelling	Can match main dwelling